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09/767,721	01/24/2001	Tatsuhiko Ikuta	1614.1115	3663

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EXAMINER
KHATTAR, RAJESH

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3693	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgements

This Office Action is in response to Applicant's response filed on Sept. 17, 2007.

Claims 1-7, 9-11 and 13-14 have been amended. Claims 1-14 are pending in this

application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Michel et al, U.S. Patent No. 5625690, in view of Lampson et al, U.S. Patent Application

Publication No. 20030194094 and further in view of Chiles et al., US Patent No.

6,167,567. The examiner would like to point out that while Michel may not employ the

same terminology as the present Applicants, Michel does teach the same ideas as

Applicants. Specifically, Michel teaches the idea of certificating although it is couched in

terms of a "software ID number" and "DES key" that is described in Michel at Column 4.

The process of Michel then goes on to teach of a paying-per-use system in which

security is enhanced by reference to a "counter" to determine if continued use of the

software is allowed. This is equivalent to Applicants' licensing system without continual

referral to an accounting server.   What seems to not be expressly taught in Michel are

some of the newer features of software that have been developed and in use since the

publication of Michel. These features are the notions of certificate and license

technologies, user agreed update of the license file and a new license file installation.

However, Lampson discloses features such as certificates and licensing, Chiles

discloses user agreed updates and a new license file installation. Therefore, a

combination of these references teaches the present invention as claimed.

With regard to Claims 1, 2 & 14, Michel teaches the system and method

comprising:

reporting, via a computer, identification to an accounting server from a terminal device, when
contents to be charged for are accessed in the terminal device, and which is previously
identified in said accounting server; (Col. 4, lines 7-13 and 55-59, describing a software
identification number)

confirming propriety of the reported identification in said accounting server, and performing fee
charging; and (Col. 4, line 64 – Col. 5, line 3, describing confirming identifying information; Col.
8, lines 24-32, describing fee charging)

when the propriety of the registration certification is confirmed, reporting permission of access to
the contents, from said accounting server to said terminal device, and making the contents
accessible in said terminal device, wherein , (Col. 5, lines 4-29 describing a public/private key
system for accessing contents) wherein:

As mentioned above Michel, does not expressly teach certificates and licenses.

However, these aspects of the invention are taught by Lampson (paragraph 93, and

Figures 9,11). As well, Michel teaches the act of checking validity of number of uses of

a software program, at (Michel, Col. 8, lines 24-32). Moreover, Michel and Lampson do

not disclose user at the terminal device agrees to update the license file and a new

license file installation. However, Chiles discloses this feature (col. 14, lines 62-col.19,

lines 19; also see Fig. 5A-5D).

Thus a combination of the references teaches:

when access is made to the contents, a license file in the terminal device is referred to, and, when the license file is determined to be valid, access to the contents is continued without accessing the accounting server, and

when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, access to the accounting server is carried out based on the registration certification, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued and a new license file received from the accounting server is installed.

Further, it would have been obvious to one of ordinary skill in the art at the time Applicants' invention was made to modify the disclosure of Michel to include the disclosure of Lampson and Chiles. The motivation for such a combination is within the general knowledge available to one of ordinary skill in the art, and is simply to provide the most up-to-date techniques for implementing software validation and security techniques in order to implement a fee charging system.

With regard to Claims 3, 6, 10, Michel teaches the method, device, and recording medium comprising:

determining, via a computer, whether or not a condition for accessing contents is satisfied, when the contents are accessed; and wherein

enabling access to the contents when the condition for accessing the contents is satisfied, and enabling access to the contents after performing fee charging when the condition for accessing the contents is not satisfied,

(Col. 8, lines 24-32 fee charging; Col. 4, line 64 – Col. 5, line 3; Col. 5, lines 4-29 describing a public/private key system for accessing contents)

As mentioned above Michel, does not expressly teach certificates and licenses. However, these aspects of the invention are taught by Lampson (paragraph 93, and Figures 9,11). As well, Michel teaches the act of checking validity of number of uses of a software program, at (Michel, Col. 8, lines 24-32). Moreover, Michel and Lampson do not disclose user at the terminal device agrees to update the license file and a new

license file installation. However, Chiles discloses this feature (col. 14, lines 62-col.19,

lines 19; also see Fig. 5A-5D).

Thus a combination of the references teaches:

when access is made to the contents, a license file in the terminal device is referred to,
and, when the license file is determined to be valid, access to the contents is continued
without accessing the accounting server, and

when the license file is not determined to be valid and a user at the terminal device
agrees to update the license file, access to the accounting server is carried out based on
the registration certification, notification of charging is made to the accounting server
and, after the completion of the charging, access to the contents is continued and a new
license file received from the accounting server is installed.

Further, it would have been obvious to one of ordinary skill in the art at the time

Applicants' invention was made to modify the disclosure of Michel to include the

disclosure of Lampson and Chiles. The motivation for such a combination is within the

general knowledge available to one of ordinary skill in the art, and is simply to provide

the most up-to-date techniques for implementing software validation and security

techniques in order to implement a fee charging system.

With regard to Claims 4, 7, 11, Michel teaches the method, device, and

recording medium comprising:

determining, via a computer, whether or not a condition for accessing contents is
satisfied;   reporting fee charging to an accounting server when the condition for
accessing the contents is not satisfied; and   updating from said accounting server the
condition for accessing the contents into a condition such that the contents can be
accessed, wherein,

(Col. 8, lines 24-32 fee charging; Col. 4, line 64 – Col. 5, line 3; Col. 5, lines 4-29
describing a public/private key system for accessing contents)

As mentioned above Michel, does not expressly teach certificates and licenses.

However, these aspects of the invention are taught by Lampson (paragraph 93, and

Figures 9,11). As well, Michel teaches the act of checking validity of number of uses of

a software program, at (Michel, Col. 8, lines 24-32). Moreover, Michel and Lampson do

not disclose user at the terminal device agrees to update the license file and a new

license file installation. However, Chiles discloses this feature (col. 14, lines 62-col.19,

lines 19; also see Fig. 5A-5D).

Thus a combination of the references teaches:

when access is made to the contents, a license file in the terminal device is referred to,
and, when the license file is determined to be valid, access to the contents is continued
without accessing the accounting server, and

when the license file is not determined to be valid and a user at the terminal device
agrees to update the license file, access to the accounting server is carried out based on
the registration certification, notification of charging is made to the accounting server
and, after the completion of the charging, access to the contents is continued and a new
license file received from the accounting server is installed.

Further, it would have been obvious to one of ordinary skill in the art at the time

Applicants' invention was made to modify the disclosure of Michel to include the

disclosure of Lampson and Chiles. The motivation for such a combination is within the

general knowledge available to one of ordinary skill in the art, and is simply to provide

the most up-to-date techniques for implementing software validation and security

techniques in order to implement a fee charging system.

With regard to Claims 8, 12, Michel teaches the device and recording medium

wherein:

said determining part, accounting reporting part and updating part are achieved on an
operating system of a terminal device. (Col. 9-10, Claims 3-7)

With regard to Claims 5, 9, 13, Michel teaches the method, device, and

recording medium comprising:

receiving, via a computer, information previously issued for registration of a terminal device, and determining whether or not the information is valid;
(Col. 4, lines 7-13 and 55-59, describing a software identification number)

transmitting the determination result to said terminal device, generating information indicating that a condition for accessing contents is satisfied when the determination result is that the certificate is valid, and transmitting the generated information to said terminal device; and (Col. 4, line 64 – Col. 5, line 3; Col. 5, lines 4-29 describing a public/private key system for accessing contents)

As mentioned above Michel, does not expressly teach certificates and licenses. However, these aspects of the invention are taught by Lampson (paragraph 93, and Figures 9,11). As well, Michel teaches the act of checking validity of number of uses of a software program, at (Michel, Col. 8, lines 24-32). Moreover, Michel and Lampson do not disclose user at the terminal device agrees to update the license file and a new license file installation. However, Chiles discloses this feature (col. 14, lines 62-col.19, lines 19; also see Fig. 5A-5D).

Thus a combination of the references teaches:

when access is made to the contents, a license file in the terminal device is referred to, and, when the license file is determined to be valid, access to the contents is continued without accessing the accounting server, and

when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, access to the accounting server is carried out based on the registration certification, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued and a new license file received from the accounting server is installed.

Further, it would have been obvious to one of ordinary skill in the art at the time Applicants' invention was made to modify the disclosure of Michel to include the disclosure of Lampson and Chiles. The motivation for such a combination is within the general knowledge available to one of ordinary skill in the art, and is simply to provide the most up-to-date techniques for implementing software validation and security techniques in order to implement a fee charging system.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection. With regard to rejection under 35 U.S.C. 112, second paragraph and 101, Examiner has withdrawn these rejections in view of Applicant's arguments/remarks dated Sept. 17, 2007.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
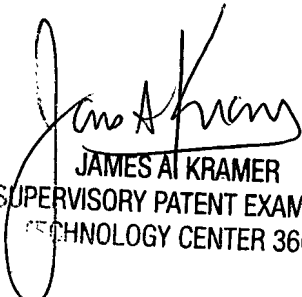
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajesh Khattar whose telephone number is 571-272-7981. The examiner can normally be reached on Flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK
Oct. 21, 2007

10.22.07.

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